

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF TULARE

3)
4 DAVID W. FROST,)
5 Plaintiff,) NO. 274926
6 v.)
7 JAMES GREG NUNLEY aka GREG NUNLEY,)
8 an individual; DRIVEN CONSTRUCTION,)
9 INC., a California corporation;)
GREAT VALLEY BUILDERS, INC., a)
California corporation; HIDDEN OAK)
DEVELOPMENT COMPANY, INC., a)
10 California corporation; DEL LAGO)
PLACE, LLC, a California limited)
11 liability company; CITY OF TULARE,)
a municipal corporation, and DOES)
12 1 through 50, inclusive,)
13 Respondent.)
14)
15 Visalia, California
16 November 9, 2018

17 DEPOSITION
18 OF
19 JOSHUA JAMES McDONNELL
20
21
22
23
24

25 TAMARA L. MENDOZA SUMPTER,
C.S.R. 9993

1 about that happened after January 9?

2 A. Yes.

3 Q. All right. Let's keep on the January 9 for a
4 moment. Carlini comes to your office, and he tells you
5 that he had just had a conversation with Greg Nunley,
6 correct?

7 A. Yes.

8 Q. And that Nunley was demanding that you fire
9 [REDACTED] and [REDACTED] and if that didn't happen,
10 he would see to it that both you and Mr. Carlini lost
11 your jobs; is that correct?

12 A. Yes.

13 Q. What was your response to Mr. Carlini telling
14 you that Greg was demanding the termination of [REDACTED]
15 [REDACTED] and [REDACTED]

16 A. My -- I remember it very clearly. I remember
17 saying, "Joe, she didn't do anything wrong."

18 Q. And what did Joe say?

19 A. I don't remember the specific words, but the
20 context was that, hey, it's either going to be them or
21 us.

22 Q. And did you say anything in response to that?

23 A. I remember attempting to change the subject to
24 move past that topic. So I did say something. I don't
25 remember precisely what I said.

1



2

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4 Q. Let's just talk about -- can we talk about
5 engineering in general?

6 A. Okay.

7 Q. Yeah. What does he say?

8 A. Well, complaints have been about things like the
9 calculation of development impact fees, about the amount
10 of time it takes staff to process improvement plans for
11 projects, generally complaints about the amount of time
12 in general for whatever type of project or permit or item
13 that the City is processing. And it would be my job to,
14 after the complaint was made, to determine whether or not
15 City staff was lagging in their duties.

16 Q. Well, during your tenure as the director, has
17 Mr. Nunley ever asked you to terminate anyone in the
18 engineering department?

19 A. He -- yes.

20 Q. Who has he asked you to terminate?

21 A. The entire department.

22 Q. Tell me what he said in that regard.

23 A. He -- during a discussion about the processing
24 time, I believe, for a set of improvement plans in May of
25 this year, he referred to the entire engineering division

1 as a bunch of bozos, he wanted to get rid of them and use
2 consultants to do their tasks as opposed to having an
3 engineering staff in the department.

4 Q. And did he indicate to you who he would like to
5 use as the outside engineers?

6 A. No.

7 Q. What was your response to Mr. Nunley saying that
8 he wanted to fire the entire engineering department and
9 basically outsource their work?

10 A. I prep -- I spoke with the city manager, the
11 acting city manager, Willard Epps, about the
12 conversation, and I later spoke with Darlene Thompson,
13 the finance director.

14 Q. And when did you speak with Mr. Epps?

15 A. I believe right after the conversation. It
16 might have been the next day.

17 Q. Can you give me an approximate date, month?

18 A. May. May of 2018.

19 Q. And what did Mr. Epps have to say about the
20 councilman's wish to fire the entire engineering division
21 at the City?

22 A. He reassured me that that was very likely not
23 going to happen.

24 [REDACTED]

25 [REDACTED]

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7 Q. Did [REDACTED] communicate to you that Mr.
8 Nunley had threatened to sue him and his inspectors?

9 A. Yes.

10 Q. What did he say about that?

11 A. Just that, that on multiple occasions Mr. Nunley
12 has threatened to sue the City, has threatened to sue
13 staff. Mr. Nunley has told me that at least ten times in
14 my tenure.

15 Q. So between August of 2017 and today, at least
16 ten times Mr. Nunley has threatened to sue either the
17 City or you personally?

18 A. Not me personally. The City.

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

25

[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. Well, let me ask you. Yeah. Have you been
10 interviewed by the Tulare Police Department regarding
11 allegations made by Councilman Nunley against [REDACTED]
12 [REDACTED] ?

13 A. Yes, and I apologize for my moment of levity
14 there.

15 Q. No, that was actually very good.

19 All right. When were you interviewed by the
20 Tulare PD? Was it one occasion or more than one
21 occasion?

22 A. One occasion, and it was this morning.

23 Q. This morning?

24 A. Yes.

25 Q. Who conducted the interview?

1 A. Two detectives from the Tulare Police
2 Department. I believe the name of one was Chad, and I
3 don't recollect the name of the other one.

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Q. How long did the interview last?

16 A. About 45 minutes.

17 Q. Who was present? You and the two detectives.
18 Anyone else?

19 A. Nobody else was present.

20 Q. Was the interview recorded?

21 A. Yes.

22 Q. To the best of your recollection, what did the
23 detectives ask you during the interview, and what were
24 your responses?

25 A. The focus of the interview was on [REDACTED]

1 and [REDACTED] and, generally speaking, their
2 interactions with Councilman Nunley and, to a lesser
3 extent, interactions between Councilman Nunley and other
4 members of the community and economic development
5 department staff.

6 Q. So this interview wasn't just limited, then, to
7 [REDACTED] ? It included other members of the
8 department?

9 A. Yes. Yes, it did.

10 Q. What questions were asked regarding [REDACTED] ?

11 A. Whether or not Mr. Nunley had ever pressured me
12 to terminate [REDACTED] . They wanted to know about the
13 interactions that I had with Mr. Carlini on that same
14 topic.

15 Q. And did you tell them, consistent with your
16 testimony today, that Mr. Carlini did, in fact, pressure
17 you to terminate [REDACTED] ?

18 A. Yes.

19 Q. And that that pressure was coming from
20 Councilman Nunley?

21 A. Yes.

22 Q. Did they ask any other questions about [REDACTED]
23 [REDACTED] ?

24 A. Not that I recollect.

25 Q. What questions did they ask about [REDACTED] ?

1 A. They asked questions related to allegations that
2 [REDACTED] is attempting to extort Mr. Nunley.

3 Q. And with respect to those questions, what was
4 your response?

5 A. Generally speaking, the response was I was not
6 aware of any attempts by [REDACTED] to extort Mr. Nunley.

7 Q. Did they tell you that they had interviewed any
8 other witnesses in connection with the discussion with
9 them this morning?

10 A. I can't recollect if they told me that, but I am
11 aware that they have spoken with other individuals.

12 Q. Who were the other individuals that you're aware
13 have been interviewed in connection with this police
14 investigation?

15 A. [REDACTED], [REDACTED], and I'm also aware
16 that they were attempting to get in contact with [REDACTED]
17 [REDACTED] and [REDACTED]. They also spoke with [REDACTED]
18 [REDACTED].